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03 March 2005

SCG43312.E

Serbia and Montenegro: Romani culture, traditions, linguistic profile and identity; the extent to which Romani cultural and political rights are recognized and protected (January 2003 - March 2005)
Research Directorate, Immigration and Refugee Board, Ottawa

Roma Culture, Traditions, Linguistic Groups and Identity

For information on Romani culture, traditions, linguistic profile and identity, please refer to the attached information published by Radio Netherlands and *The Patrin Web Journal*.

International and Domestic Law

Serbia and Montenegro is a member of the Council of Europe, and a party to the Council's Framework Convention for the Protection of National Minorities, as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms (ERRC 24 Apr. 2003; see also AI 1 Mar. 2003, 20; *ibid.* 3 Mar. 2004, 31). The country is also a state party to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights, both of which prohibit discrimination on *inter alia* racial and linguistic grounds (AI 1 Mar. 2003, 20; *ibid.* 3 Mar. 2004). On 12 March 2001, Serbia and Montenegro also succeeded to the International Covenant on Economic, Social and Cultural Rights (OHCHR 24 Nov. 2004; see also AI 3 Mar. 2004, 31).

In February 2002 the federal government of Serbia and Montenegro adopted the Law on the Protection of Rights and Freedoms of National Minorities, under which Roma gained official recognition as a national minority (ERRC 24 Apr. 2003; AI 1 Mar. 2003, 20; *ibid.* 3 Mar. 2004, 31; see also MRG 15 Mar. 2004). This law, which provided for the establishment of minority National Councils, led to the creation of a 35-member Romani National Council in May 2003 (AI 3 Mar. 2004, 31; HCHRS Oct. 2004, 60; see also MRG 15 Mar. 2004). The role of this and other similar councils is to participate in governmental decision-making in the areas of education, language and culture (AI 3 Mar. 2004, 31).

The constitutions of both the state union and the republics "explicitly prohibit discrimination on ethnic and racial grounds" (AI 1 Mar. 2003). In March 2003, the Charter on Human and Minority Rights and Civil Freedoms was adopted (ERRC 24 Apr. 2003). On 2 February 2005, Serbia and Montenegro, along with seven other eastern European countries, signed a declaration in which it pledged to "improve the plight of Roma and to work to 'abolish discrimination and heal the rift that separates the Roma from the rest of the population'" (AFP 2 Feb. 2005). Various sources consulted by the Research Directorate indicate that despite the adoption of these legislative measures, and other initiatives, the country faces challenges in respect of their full implementation (ERRC 24 Apr. 2003; AI 1 Mar. 2003, 20; see also AI 3 Mar. 2004, 34; *Country Reports 2004* 28 Feb. 2005).

Political Rights

As at October 2003, the International Helsinki Federation for Human Rights reported that there were only two Roma individuals occupying advisory positions?one in the Ministry of Education and one in the Ministry of Human Rights and Minority Rights (6 Oct. 2003).

In Serbia, Romani political parties began to emerge in 1990 and continue to be active today (HCHRS Oct. 2004, 60). However, according to an October 2004 report by the Helsinki Committee for Human Rights in Serbia (HCHRS), "Romany party officials are inexperienced, the parties have not developed necessary infrastructure, while community members are neither willing to actively partake in politics nor motivated to see their parties run in elections" (*ibid.*). Similarly, *Country Reports on Human Rights Practices for 2004* reported that in 2004, "Roma continued their historical pattern of low voter turnout" in Serbia (28 Feb. 2005, Serbia-Sec. 3). As a result, the influence of Romani political parties on the Romani community is small, and consequently, the Romani community

is not represented in such areas as parliament, administration and the police (HCHRS Oct. 2004, 60). The HCHRS indicated that:

[t]he Roma community has not a single representative in the Serbian Parliament or in the Parliament of the State Union. Several Roma who hold offices at [the] municipal level have not been elected as representatives of Romany parties. For instance, [the] deputy mayor of Nis is a Romany. Provincial bodies engage just one person of Romany origin, one adviser to the Minister of Human and Minority Rights is a Romany, the same as a judge of the Stara Pazova Municipal Court (ibid.; see also MRG 15 Mar. 2004).

In its report, the Helsinki Committee added that the lack of Romani representation in government is a result of "longstanding discrimination [and] their limited intellectual resources" (HCHRS Oct. 2004, 60). Another factor identified as having limited the participation of Romas in the Serbian government is the imposition of a threshold that requires political parties to win five per cent of the vote for election into parliament (MRG 15 Mar. 2004). According to an August 2004 news report by BETA, a Belgrade-based independent press agency, new election rules were adopted in 2004 that decreased that threshold for minority parties, although the report did not indicate by how much (19 Aug. 2004).

In Montenegro, as at 2003 "there were no Roma in the state administration, and only 0.15 percent of local administration employees were Roma" (*Country Reports 2004* 28 Feb. 2005, Montenegro-Sec. 3). According to *Country Reports on Human Rights Practices for 2004*, the Roma Republican Party, "the first political party representing Romani interests [in Montenegro]" was created in September 2004 (ibid.). Additional information on the extent to which Roma political rights are protected in Montenegro could not be found among the sources consulted by the Research Directorate.

In Kosovo, the constitution requires that ten seats for Serbs and ten seats for members of other ethnic communities be reserved in the Kosovo Assembly (*Country Reports 2004* 28 Feb. 2005, Kosovo-Sec. 3; RFE/RL 27 Oct. 2004). Following the October 2004 elections, Roma were among eleven members representing "other ethnic communities" in the Assembly (*Country Reports 2004* 28 Feb. 2005, Kosovo-Sec. 3), though the exact number could not be found among the sources consulted by the Research Directorate. Additional information on the extent to which Roma political rights are protected in Montenegro could not be found among the sources consulted by the Research Directorate.

Reports of politically-motivated imprisonment, killings or disappearances of Roma in Serbia, Montenegro and Kosovo, could not be found among the sources consulted by the Research Directorate.

Cultural Rights

Although the Romani community has been officially recognized as a national minority, the Helsinki Committee pointed out that Serbia and Montenegro "ha[s] not been formally obliged to assist their cultural development on equal terms with other ethnic communities" (Oct. 2004, 58).

In Serbia, despite a scarcity of "intellectual and financial resources," the Romani community has established various cultural institutions such as the Roma Cultural Centre, the Roma Information-Documentation Centre and the Vojvodina Society of Ramany Language and Literature (HCHRS Oct. 2004, 59). The community has also organized various annual cultural events, such as The Festival of Romany Cultural Attainments (ibid.). However, due to a lack of funds, three Romani magazines were closed (ibid.).

The Law on the Protection of Rights and Freedoms of National Minorities provides that "a minority language shall be officially used in the municipalities wherein the said minority makes up 15 percent of [the] overall population registered in the last census" (HCHRS Oct. 2004, 53). In Serbia, as there are no municipalities in which the Roma meet this requirement, no Romani community has the official right to use its language (ibid.).

As at October 2004, there were three newspapers in Serbia published by the Romani community - *Glas Roma*, *Romljaki Zor* and *Them* (ibid., 55). However, many members of the Roma community are illiterate and, as a result, most rely on media broadcasting for information (ibid., 54). In Serbia, radio and television broadcasts in the Romani language are prevalent and available to most members of the community (ibid.).

According to Minority Rights Group International (MRG),

[t]he language of instruction in both mainstream and special schools [in Serbia] is almost exclusively in Serbian and focuses on Serbian culture. There are some notable exceptions, with four schools in central Serbia offering Romanes lessons, and an initiative in Vojvodina with 46 classes in 2002-3 offering two optional lessons a week in Romanes and elements of Roma culture (MRG n.d.).

Information on the extent to which the cultural rights of Roma are recognized and protected in Montenegro could not be found among the sources consulted by the Research Directorate.

Regarding Kosovo, two sources indicated that there were no media broadcasts in the Romani language (Kosovalive News Agency 17 Dec. 2004; UN 14 Feb. 2005, 8). Additional information on the extent to which the cultural rights of Roma are recognized and protected in Kosovo could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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